P.R. No. 1483/07
Presented by Shri Bhoja Khan
Dated 20/12/07

(2)

SINGLE BENCH

(4)

CF 102

Hon'ble S.B.

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W. P. No.1332/2007

(C)(Civil)

Petitioner -- Leeladhar Agrawal S/o Hariram Agrawal
R/o Naila, Teh - Janjgir Age - 55 years.
Distt. Janjgir-Champa (C.G.)
V/s

Respondent -- State of C.G.
Through-Collector
Distt. - janjgir-Champa

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20/12/07
H.C. BILASPUR

Writ Petition under Article 227 of Coustitution of India

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) No. 1332 of 2007

Petitioner — Leeladhar Agrawal

Versus

Respondents — State of C.G.

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Miss Sofia Khan, *Advocate for the petitioner.*

Miss Sunita Jain, Panel lawyer for the respondent.

ORDER

(Passed on this 8th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

8. This petition, filed under Article 227 of the Constitution of India, challenges the order dated 2.1.2007 (Annexure P/1) passed by the Board of Revenue, Bilaspur in Appeal No. 582/A-67/2003-04.

9. The petitioner was found guilty of illegal mining of lime stone and bolder on the Government land, situated at village Birgahni, District – Janjgir Champa, bearing Khasra No. 172, area 5.64 acre, during the period November – December, 1992 and on 0.70 acre, during February – March, 1993. The Mining Inspector, after having visited the site and having examined the workers, engaged in illegal mining, found that the petitioner without obtaining required permission of the government, indulged into the illegal mining. Accordingly, the Collector, Janjgir Champa vide order dated 8.3.2004 passed in a Revenue Case No. 10/A-67/1998-99, imposed a penalty of Rs. 58500/-.

10. The petitioner, being aggrieved by the order dated 8.3.2004, preferred an appeal before the Board of Revenue. The Board of Revenue after having considered all the facts and circumstances of the case, upheld the order passed by the Collector and imposition of the penalty under section 247(7) of the Chhattisgarh Land Revenue Code. Accordingly, the appeal filed by the petitioner was dismissed vide impugned order dated 2.1.2007.

(16)

11. I have heard learned counsel for the parties and have gone through the documents appended thereto. On perusal I do not find any illegality and infirmity.

12. It is well settled principle of law that this Court while exercising its jurisdiction under Article 227 of the Constitution of India has limited jurisdiction to the extent of reviewing the case, in the event, there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

13. In view of the decision of Hon'ble the Supreme Court in the case of **Surya Dev Rai Vs. Ram Chander Rai and others** { (2003) 6 SCC 675}, it is also well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Board of Revenue, in the event there is manifest and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or grave injustice has occasioned thereby.

14. None of the above grounds are available to the petitioner. The petition is devoid of merit, which deserves to be and is accordingly dismissed, summarily.

Consequently, M(W)P No. 843/2007 stands dismissed.

Sd/-
Satish K. Agnihotri
Judge

Thakur